

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Brian Burgemeier,
Plaintiff,

v.

Kilolo Kijakazi,¹
Acting Commissioner of Social Security,
Defendant.

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)
) **Civil Action No. 1:21-cv-00500**
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)

) **Judge Black**
) **Magistrate Judge Bowman**
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ORDER

This cause coming before the Court on the joint motion of the parties, due notice having been given, and the Court being fully advised,

IT IS THEREFORE ORDERED THAT:

1. The Parties' Joint Stipulation for an Award of Attorney's Fees under the Equal Access to Justice Act is accepted and the Commissioner shall pay Plaintiff's attorney fees in the amount of \$3,500.00.
2. Counsel for the parties shall verify whether or not Plaintiff owes a preexisting debt to the United States subject to offset, consistent with *Astrue v. Ratliff*, 130 S. Ct. 2521, 560 U.S. 586 (2010). If no such pre-existing debt exists, Defendant shall pay the EAJA award directly to Plaintiff's counsel pursuant to the EAJA assignment signed by Plaintiff and counsel; and
3. The case remains terminated on the docket of this Court.

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

IT IS SO ORDERED.

Date: 2/2/2022

Entered: s/Timothy S. Black

Timothy S. Black

United States District Judge